

YOUTH SERVICES POLICY

Title: Equal Employment Opportunity Next Annual Review Date: 05/02/2014	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.47
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References: La. R.S. 42:1119, 46:1403, 46:1404 and 46:1413; Sexual Harassment; 28 CFR Part 35), Nondiscrimination on the Basis of Disability in State and Local Services - Final Rule; Code of Ethics for Public Officials, Section 119 (Nepotism); Title VII of the Civil Rights Act of 1964 and 1991, Equal Pay Act of 1963; Age Discrimination in Employment Act of 1967 (ADEA); Title I and Title V of the Americans with Disabilities Act of 1990; Sections 501 and 505 of the Rehabilitation Act of 1973; Vietnam Era Veterans Readjustment Act of 1974, 38 U.S.C. 4212; Civil Service Handbook Guidelines for Preparing Affirmative Action Plans; YS Policies A.2.1 "Employee Manual", A.2.5 "Family and Medical Leave of Absence" and A.2.46 "Employee Grievance Procedure"; ACA Standards 2-CO-1C-09, CO-1C-09, 2-CO-1C-09-1, 2-CO-1C-10, 2-CO-2B-04 (Administration of Correctional Agencies); 4-JCF-6C-01, 4-JCF-6C-02, 4-JCF-6D-06, 4-JCF-6D-07 (Performance-Based Standards of Juvenile Correctional Facilities); 2-7032 (Standards for Juvenile Probation and Aftercare Services)	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 05/01/2012

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Deputy Secretary's commitment to Equal Employment Opportunities (EEO) for all employees, applicants, and candidates for employment.

III. APPLICABILITY:

All applicants, candidates, visitors, employees and units of Youth Services (YS).

IV. DEFINITIONS:

Age Discrimination in Employment Act (ADEA) - a law passed by Congress to protect individuals 40 years of age and over from arbitrary discrimination in employment practices, unless age is a bona fide occupational qualification.

Americans with Disabilities Act (ADA) - a comprehensive law passed by Congress to protect disabled persons from discrimination in employment, hiring, transportation, access to public facilities and services, and telecommunications.

Applicant - a person who has applied for a job and whose qualification for such is unknown.

Candidate - a person who has successfully passed the required test and/or meets the Civil Service minimum qualifications for the job sought.

Equal Employment Opportunity (EEO) - the operation of a system of human resource administration which ensures an environment that will provide an equal opportunity for public employment to all segments of society based on individual merit and fitness of applicants without regard to race, color, religion, sex, age, veteran's status or any other non-merit factor, national origin, political affiliation or disability (except where sex, age or physical requirements constitute a bona fide occupational qualification necessary to the proper and efficient operation of the agency/organization).

Equal Employment Opportunity Commission (EEOC) - the federal regulatory body for EEO related complaints and charges.

Essential Functions – basic job duties that an employee/applicant must be able to perform, with or without reasonable accommodation.

Family Medical Leave- Leave for which an employee may be eligible under the provisions of the Family and Medical Leave Act of 1993. (Refer to YS Policy No. A.2.5 for eligibility guidelines.)

Unit Head - Deputy Secretary, Facility Directors, and Regional Managers.

YS Central Office - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Deputy Assistant Secretaries, and their support staff.

V. POLICY:

It is the Deputy Secretary's policy to assure equal opportunities to all employees, applicants and candidates for employment without regard to race, religion, political beliefs, color, national origin, sex, disability, age, veteran's status, or any other non-merit factor. Discrimination and harassment undermine the integrity of the employment relationship, compromise equal employment opportunity, and significantly interfere with the effective accomplishment of the mission of Youth Services. Our policy against discrimination and harassment is applicable to all employment practices, including recruitment, selection, hiring, placement, promotions, detail assignments, transfers, layoffs, terminations, career development and training, performance evaluations, awards, and working conditions.

YS continues to work towards a discrimination and harassment free work environment by support of and commitment to EEO.

Exceptions:

- Where age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient operations; and/or
- Where statutes and regulations, such as those prohibiting nepotism and the hiring of ex-offenders, restrict such employment or employment opportunity.

THIS POLICY SHALL BE POSTED IN CONSPICUOUS LOCATIONS AT ALL YS FACILITIES AND OFFICES

VI. PROCEDURES:

- A. Each employee shall comply with YS's EEO Policy. It is the responsibility of each employee to support and comply with the EEO laws and policies in a manner commensurate with his/her level of responsibility and delegated authority. Each unit of YS is responsible for taking appropriate actions to adhere to this policy.
- B. Each employee shall be fully informed regarding his/her rights to fair and equal treatment in all matters relating to his/her work and employment. To assure this end, the Unit Heads shall ensure that each employee has access to a copy of this policy, and the text of the referenced laws and regulations.
- C. The Deputy Undersecretary shall be designated as YS's Equal Employment Opportunity Coordinator. Questions regarding this policy should be directed to the Deputy Undersecretary.
- D. All YS employees shall cooperate with the Equal Employment Opportunity Commission (EEOC) and other federal agencies in the investigation of allegations of discriminatory treatment.

VII. FILING A COMPLAINT:

- A. When a person feels that he/she has experienced discrimination in any manner, he/she may seek redress through:
 - the YS grievance process (refer to YS Policies A.2.1 and A.2.46);
 - the EEOC for employment related complaints;
 - the U.S. Department of Justice (USDOJ) for issues not related to employment; and/or
 - the Louisiana Civil Service Commission.

- B. The Deputy Undersecretary, along with Legal Services, shall coordinate YS response(s) to complaints and charges of discrimination regarding EEO matters.
- C. Persons are encouraged to use the internal procedures to address and resolve complaints to the extent possible. Use of these internal procedures does not restrict a person from filing with the appropriate federal agency prior to exhaustion of the YS internal process.
- D. A charge may be filed by mail or in person at the nearest EEOC office:

EEOC District Office
701 Loyola Avenue, Suite 600
New Orleans, LA 70113-9936
(504) 589-2329 (Voice)
(504) 589-2958 (TDD)
(504) 589-6861 (FAX),

Or with the Louisiana Commission of Human Rights:

Louisiana Commission of Human Rights
Governor's Office
P.O. Box 94004
Baton Rouge, Louisiana 70804-94004

Physical Address: 1001 N. 23rd St., Suite 262
Baton Rouge, Louisiana 70802
Phone: (225) 342-6969 / TDD 1-888-248-0859
Fax: (225) 342-2063

VIII. AGENCY RESPONSE TO A FORMAL COMPLAINT:

- A. For formal charges generated by the EEOC or the USDOJ, the Unit Head, a YS attorney, other appropriate personnel and the Deputy Undersecretary shall develop the YS response.

Any unit receiving a "Notice of Charge of Discrimination" document or similar notice from the EEOC or USDOJ, shall forward the notice to the Deputy Undersecretary within 24 hours of receipt. The Deputy Undersecretary shall immediately forward the Notice to Legal Services.

- B. Responses to the charges shall be under the signature of the Deputy Secretary/designee.
- C. The Deputy Secretary's approval shall be required for acceptance or presentation of conciliation agreements or settlements.

IX. ADDITIONAL INFORMATION:

Additional information pertaining to EEO, ADA and ADEA is available in the Human Resources Office of any YS unit or office.

Previous Regulation/Policy Number: A.2.47

Previous Effective Date: 02/23/2011

Attachments/References: